## The City of Montgomery, Alabama Policy for Access to Public Records

The Code of Alabama 1975, Section 36-12-40, states that "Every citizen has a right to inspect and take a copy of any public writing of this state, except as otherwise expressly provided by statute." It is the policy of the City of Montgomery, Alabama (the City) to provide access to inspect and make copies available of open public records that are received or created in the normal course of the City's business operations. In order to facilitate this service, and minimize cost for all of Montgomery's citizens, the City has adopted the following policy to insure that the right of access is always protected and records are readily available under reasonable conditions.

- 1.0 Members of the public will be provided access to the City's official records on regular business days, Monday through Friday, between 9:00 a.m. and 3:00 p.m. Copies of records may be obtained during the same hours.
- 2.0 To insure accuracy and timely records production, the records request initiator must complete the form entitled "Request for Public Records." Please include as much information that you feel will be helpful for City staff to locate the required records. This form is available at:

City of Montgomery Office of the City Clerk Records Management Service City Hall, Room 133 103 North Perry Street Montgomery, AL 36104 www.montgomeryal.gov

3.0 In addition to in-person requests for copies, the City will provide copies by mail or fax. A copy of the form entitled "Request for Public Records" must be received prior to the City's staff commencing work on a records request. Remit requests to the following mailing address or to the fax number:

City of Montgomery Office of the City Clerk Records Management Service P.O. Box 1111 Montgomery, AL 36101-1111 334-241-2056, fax

- 4.0 The designated City staff will provide the records you request as quickly as possible. Because of issues, such as; limited staff, records stored off-site, large volume of records requested, complexity of the request, and requirement of staff supervision during records inspection, you may be asked to return to inspect the records or to obtain copies.
- 4.1 Records requested in person will be available within 48 hours for simple, <u>routine</u> requests. However, every effort will be made to provide copies immediately or to accommodate on-site reference requests.
- 4.2 Record requests that are more <u>non-routine</u> (defined as complex or extensive) in nature may require additional time to research and produce. As required, additional charges for production will be applied. If possible, prior to commencing work, the requestor will be informed as to the time required and all estimated costs associated with researching, copying, certification (if required), and staff time, including information technology resources. (See item 4.3 for additional detail.)

- 4.3 Providing copies of records is established by fee schedule for routine, or simple requests. For non-routine requests, a charge will be assessed based on the actual cost of production. When it is necessary to charge for the actual cost of records production, the total cost will be estimated by the City's Records Manager and the requestor will be required to make a deposit of 50% of the total estimated cost of completing the records request prior to work commencing on gathering the documents. The remainder of the cost will be due before records are released to the requestor. A current copy of the City's "Schedule of Fees and Costs for the Inspection and Reproduction of Public Records" is available at the address above. The City reserves the right to limit or prohibit the photocopying of fragile records. Some departments such as the Police Department and the Municipal Court will have separate records charge schedules which will prevail.
- 4.4 All subpoenas and other court orders that are issued by a court of competent jurisdiction which require records production will be completed within the time frame specified by the order. If additional time is required, the court will be notified, in writing, of the circumstances that require the delay. In the absence of a required time frame, the production response will be completed in the same manner as any other ordinary records request. All subpoenas will be forwarded to the Legal Department for action.
- 4.5 The City will not assemble reports or compile data that isn't already being assembled or compiled in the normal course of business. When appropriate, information resources will be provided to enable the requestor to assemble or compile their own reports or data. If providing this information requires excessive staff time and other resources, these costs will be borne by the requestor in the same manner as prescribed in item 4.3 above and according to the City of Montgomery Public Records Request Fee Schedule.
- 4.6 This fee schedule supersedes all other public records copying fee schedules previously used by the City or any of its departments. However, the Montgomery Municipal Court is exempted from this fee schedule and has a separate fee schedule to cover its fee collection process.
- 5.0 City administrators will make every effort to prevent the release of statutorily specified confidential, proprietary and personally identifiable information and will take reasonable measures to safeguard an individual's privacy as recorded in the content of all City records.
- 5.1 Records and document content that are not eligible for release may include: information received by a public officer or public official in confidence; information which contains sensitive personnel records; pending criminal investigations; information received in anticipation of litigation or likely litigation; and records which, if released, would be detrimental to the best interests of the public. These shall remain confidential and exempt from disclosure without a proper Court Order and an opportunity for the City to object, appeal and have all appeals concluded.
- 5.2 In accordance with state and federal laws, some City records may not be open for public inspection. Details about which City records or record parts are restricted may be obtained from the City's Records Manager.
- 5.3 Some records that may be otherwise open for inspection may contain content which is confidential or closed to public access. As required, every reasonable effort will be made to redact such information through document pre-screening by a designated City employee who is qualified to assess the record's content in order to identify record elements that require redaction prior to inspection and/or production.
- 5.4 Charges for this pre-screening will be assessed as part of the production costs. When staff time and other resources would impose an undue burden on the City's financial resources, and available staff time, additional charges will be assessed.
- 6.0 Use of food, drink or tobacco in any form is not permitted in the records storage or reference area.

- 7.0 Staff may ask to inspect items in a researcher's possession (tote bags, backpacks, brief cases, computer case, etc.) upon his/her entering or leaving the records area.
- 8.0 No records will be removed from the records storage, office or reference area unless the recipient and/or transporter is approved by the Records Management Service and with subsequent approval from the Legal Department.
- 9.0 No original record, or master record, will be given or donated to any individual or organization unless authorized by statute and by election of the receiving responsible authority to accept responsibility for such records through a binding agreement.
- 10.0 If you have any questions about this access policy or need further assistance, please call the City of Montgomery's Records Manager at 334.241.2096.